

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD D. YORK,

**Petitioner,**

No. C09-5513 RBL/KLS

V.

MAGGIE MILLER-STOUT,

## Respondent.

ORDER DENYING AMENDED MOTION  
FOR THE APPOINTMENT OF COUNSEL

Before the court is Petitioner's Amended Motion For Appointment of Counsel. Dkt. 14.

Petitioner states that he is submitting this amended motion (dated November 19, 2009), because he failed to place his name and number on his previous application for counsel. *Id.*, p. 3.

The court considered and denied Petitioner's initial application for counsel (Dkt. 8) because there is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, no evidentiary hearing has been granted in this case and the claims are adequately set forth and articulated. The court's order is dated November 10, 2009, but was not docketed and mailed to Petitioner until November 16, 2009. Dkt. 12. The petitioner's amended motion and the court's order appear to have crossed in the mails.

1 Accordingly, it is **ORDERED** that Petitioner's Amended Motion for Appointment of  
2 Counsel (Dkt. 14) is **DENIED as moot**. The Clerk is directed to send copies of this Order to  
3 Petitioner.

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5 DATED this 14th day of December, 2009.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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